

**Amendments to the Drawing Figures**

**Enclosed** with this Amendment and Reply are nine (9) sheets of corrected Substitute drawings of Figs. 5-13. The Substitute drawings label Figs. 5-13 as Prior Art.

## REPLY

The Examiner indicated that the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The specification has been reviewed and minor changes as to form have been made throughout the specification. These relatively minor amendments do not add any new subject matter.

The Examiner required corrected drawings labeling Figs. 5-13 as "PRIOR ART". **Enclosed** with this Amendment and Reply are replacement sheets for Figs. 5-13 labeling Figs. 5-13 as prior art.

The Examiner rejected claims 1-3 under 35 USC §112, second paragraph, as being indefinite. Claims 1-3 have been amended to remove the indefinite language and to otherwise render the claims definite.

The Examiner also rejected claims 1-3 under 35 USC §102(b) as being clearly anticipated by the prior art in Figs. 11-13.

Claim 1 has been amended to recite wherein the holding portion has a height above the upper surface of the retainer main body portion sufficient to prevent fingers of a cooking person from coming off of the vegetable retainer during use of the vegetable cutting utensil, whereby the fingers of the cooking

person are reliably held preventing injury. In the prior art Figs. 11-13 disclosed in the application, the vegetable retainer 21 has a curved main body portion surface 22 with relatively low reinforcing ribs 25. Accordingly, the vegetable retainer illustrated in Figs. 11-13 does not have a holding portion with a height above the upper surface sufficient to prevent fingers of a cooking person from coming off. Therefore, claim 1 is not anticipated by the prior art Figs. 11-13 disclosed by the Applicant in the application.

Dependent claims 2 and 3 specifically recite a drainage notch used for drainage. The vegetable retainer disclosed in prior art Figs. 11-13 does not disclose a notch, therefore, claim 2 cannot be anticipated by the prior art Figs. 11-13 disclosed by the Applicant in the application.

New claims 4-8 have been added. New independent claim 5 recites a pair of opposing longitudinal side rising portions with a center having a height extending from the top surface greater than the opposing ends. The height extending from the top surface at the center in combination with the pair of opposing lateral side raised portions, make possible the reliable holding of the vegetable retainer with a person's fingers so as to prevent injury. Accordingly, new independent claim 5 is not anticipated by the prior art disclosed by the Applicant in the application.

New independent claim 8 recites the pair of opposing curved lateral side raised portions, and the pair of opposing curved longitudinal side raised portions having a height at the center that extends from the top surface greater than the opposing ends, in combination with drainage notches. This combination of structure, as recited in independent claim 8, permits the vegetable retainer to be reliably held preventing injury, as well as offering drainage so as to avoid potential slipping due the accumulation of liquid.

Therefore, the vegetable retainer as recited in the amended claims provides an improved construction that is not disclosed or anticipated by the prior art Figs. 11-13 disclosed by the Applicant in the application.

Accordingly, it is respectfully requested that the Examiner reconsider the present application and indicate allowable subject matter.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a long, horizontal, slightly wavy line extending to the right.

Paul A. Fattibene  
Reg. No. 31,694

2480 Post Road  
Southport, CT 06890  
Tel. 203-255-4400  
Fax 203-259-0033

August 24, 2005